

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DONNA CURLING, *et al.*

Plaintiffs,

v.

BRAD RAFFENSPERGER, *et al.*,

Defendants.

CIVIL ACTION

FILE NO. 1:17-cv-2989-AT

**STATE DEFENDANTS' RESPONSE IN OPPOSITION TO COALITION
PLAINTIFFS' "MOTION FOR EXCESS PAGES"**

Defendants Secretary of State Brad Raffensperger, State Election Board, and the State Election Board Members (collectively, the "State Defendants") submit this Response in Opposition to Coalition Plaintiffs' Motion for Excess Pages, [Doc. 803], seeking an additional twenty pages, for a brief no longer than forty-five pages.

As the Court is aware, Plaintiffs are now pursuing their second set of preliminary injunction motions regarding the State's BMD Election System.¹ Curling Plaintiffs filed their Motion for Preliminary Injunction at 11:56 PM

¹ To date, Plaintiffs have now filed eight different Motions for Preliminary Injunction with this Court in the litigation, with a ninth forthcoming from the Coalition Plaintiffs (and apparently requiring additional pages).

EDT on August 19, 2020, [Doc. 785], the brief in support of that Motion totals thirty (30) pages and is strikingly similar to their previous Motion this Court denied. *Compare* [Doc. 619]. This Court granted their Motion for Excess pages, *nunc pro tunc*, on August 20, 2020.

Coalition Plaintiffs informed the Court of their intent to file two (2) separate preliminary injunction motions and briefs in support. The first of which, concerning “Paper Pollbook Backups,” was filed with this Court at 11:45 PM EDT on August 21, 2020. [Doc. 800]. On the same day their Motion is due to this Court, Coalition Plaintiffs (without conferring with counsel for Defendants) have requested permission for twenty (20) additional pages for their Brief in Support of the Motion, for a brief totaling forty-five (45) pages. In support of their request, Coalition Plaintiffs flippantly assert this case is complex and that they need additional pages to “discuss the range of new evidence.” [Doc. 803].

To facilitate Plaintiffs’ latest round of Preliminary Injunction Motions, this Court has ordered an expedited briefing schedule, requiring Defendants to respond to: Curling Plaintiffs’ Motion and thirty-page brief within five business days; Coalition Plaintiffs’ Motion regarding Paper Pollbook Backups within two business days; and Coalition’s instant Motion (and potentially 45-page brief in support) within four business days. [Doc. 788]. In the meantime,

Defendants are diligently working to produce documents by August 26, 2020, pursuant to this Court's Order granting expedited discovery. [Doc. 775].

In light of the foregoing, this Court should deny Coalition Plaintiffs' request for additional pages. The Coalition Plaintiffs have filed multiple briefs and submitted various Notices of Filing "Evidence" on this same issue, and fail to offer this Court any reason why additional pages are necessary to brief an issue the Court is very familiar with after three years of litigation before it.

Should this Court determine that granting Coalition Plaintiffs' request is warranted, State Defendants respectfully request additional pages of the same length for their response and an extension of time to respond to that Motion, with such response being due by September 1, 2020. Defendants are already at a disadvantage in responding to numerous briefs (and related expedited discovery) within the condensed period provided—granting Coalition Plaintiffs' request without additional time to respond will only exacerbate that disadvantage.

For the foregoing reasons, State Defendants respectfully request this Court deny Coalition Plaintiffs' Motion for Excess Pages or, in the alternative, permit the Defendants additional time to respond.

Respectfully submitted this 24th day of August, 2020.

/s/ Carey A. Miller

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CERTIFICATE OF COMPLIANCE

Pursuant to L.R. 7.1(D), the undersigned hereby certifies that the foregoing **STATE DEFENDANTS' RESPONSE IN OPPOSITION TO COALITION PLAINTIFFS' "MOTION FOR EXCESS PAGES"** has been prepared in Century Schoolbook 13, a font and type selection approved by the Court in L.R. 5.1(C).

/s/ Carey A. Miller
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